

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JEROME F. DEERING BEY,

Petitioner,

Civil Action No. 19-12120
HONORABLE NANCY G. EDMUNDS
UNITED STATES DISTRICT JUDGE

v.

J.A. TERRIS,

Respondent.

/

OPINION AND ORDER DENYING THE MOTION FOR RECONSIDERATION

Jerome F. Deering Bey, (“Petitioner”), confined at the Federal Correctional Institution in Milan, Michigan, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, in which he challenged the scoring of his federal sentencing guidelines for his 1997 drug convictions out of the United States District Court for the Northern District of Iowa. On October 29, 2019, this Court held the petition in abeyance pending the outcome of petitioner’s motion for a reduction of sentence under the First Step Act, which was filed before the sentencing judge in the Northern District of Iowa and remains pending before that judge.

Petitioner filed a motion for reconsideration, in which he asks this Court to reopen his petition and to adjudicate his claims. For the reasons that follow, the motion for reconsideration is DENIED as premature.

Petitioner concurrently filed with this petition a motion for a sentence reduction in the United States District Court for the Northern District of Iowa, which remains pending in that court.

See United States v. Deering Bey, U.S.D.C. No. 94-21 (N.D. Iowa)(ECF 503).¹ Petitioner in his motion for sentence reduction claims that if his motion is successful, he will be eligible for immediate release from incarceration. (*Id.*, ECF 503-1, PageID.3). The sentencing judge set an order for a briefing schedule, giving the Government until November 15, 2019, to file a response to petitioner's motion and giving petitioner until December 16, 2019, to file a reply to the answer. (ECF No. 505). The Government filed its response on November 14, 2019 (ECF No. 506). Petitioner filed a reply on December 16, 2019 (ECF No. 507) and a supplemental reply on December 23, 2019. (ECF No. 508). The sentencing judge has yet to render a decision.

A federal court has the ability to stay a 2241 habeas petition pending a decision from another court. *See e.g. Bafile v. Thoms*, 15 F. App'x 236, 237 (6th Cir. 2001). A federal district court also has the authority to stay a motion or other proceeding pending the disposition of a motion for sentence reduction in another court. *See United States v. Monus*, 356 F.3d 714, 715 (6th Cir. 2004). At this point, it would be premature to reopen this case while petitioner's First Step Act motion remains pending before the sentencing judge. This Court therefore denies the motion to reopen as being premature.

ORDER

IT IS HEREBY ORDERED that the motion for reconsideration (ECF No. 10) is DENIED.

Dated: March 23, 2020 s/ Nancy G. Edmunds _____

HON. NANCY G. EDMUND^S
UNITED STATES DISTRICT COURT JUDGE

¹ See ecf.iand.uscourts.gov/. Public records and government documents, including those available from reliable sources on the Internet, are subject to judicial notice. *See Daniel v. Hagel*, 17 F. Supp. 3d 680, 681, n. 1 (E.D. Mich. 2014); *United States ex. rel. Dingle v. BioPort Corp.*, 270 F. Supp. 2d 968, 972 (W.D. Mich. 2003).